

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION**

Mr William K. Cole

(Enter above the full name of the Plaintiff(s) in this action. Include prison registration number(s).)

V.

State of Missouri Vandalia Police

State of Missouri Audran County Court
State of Missouri Audran

Prosecutor Attorney office
state of missouri Audran

Public Defender office

(Enter above the full name of **ALL** Defendant(s) in this action. Fed. R. Civ. P. 10(a) requires that the caption of the complaint include the names of **all** the parties. Merely listing one party and "et al." is insufficient. Please attach additional sheets if necessary.

Case No. _____
(To be assigned by Clerk)

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

I. PLACE OF PRESENT CONFINEMENT:

II. PREVIOUS CIVIL ACTIONS:

A. Have you brought any other civil actions in state or federal court dealing with the same facts involved in this action or otherwise relating to your confinement?

YES []

NO ☒

- B. If your answer to "A" is YES, describe the action(s) in the space below. If there is more than one action, you must describe the additional action(s) on a separate piece of paper, using the same format as below.

1. Parties to previous civil action:

Plaintiff(s): NO

NO

Defendant(s): NO

NO

2. Court where filed: NO

3. Docket or case number: NO

4. Name of Judge: NO

5. Basic claim made: NO

NO

NO

6. Present disposition (Is the case still pending? Is it closed? If closed, was it appealed?):

NO

III. GRIEVANCE PROCEDURES:

- A. Is there a prisoner grievance procedure at the institution in which you are incarcerated?

YES ☒

NO ☐

- B. Have you presented this grievance system the facts which are at issue in this complaint?

YES ☒

NO ☐

C. If your answer to "B" is YES, what steps did you take: _____

D. If your answer to "B" is NO, explain why you have not used the grievance system:

N/A

IV. PARTIES TO THIS ACTION:

A. Plaintiff(s)

1. Name of Plaintiff: Mr William K. Cole
2. Plaintiff's address: Jefferson City Correction Center
Classification staff 8200 No More Victims Rd Jefferson
City MO 65101
3. Registration number: 1002523
4. Additional Plaintiff(s) and address(es): _____

B. Defendant(s)

1. Name of Defendant: Adair County Court and Prosecutors Attorney
and Adair Ass (State Public Defender and Vandalia P.D Police
2. Defendant's address: _____
3. Defendant's employer and job title: _____

4. Additional Defendant(s) and address(es): _____

V. COUNSEL

A. Do you have an attorney to represent you in this action?

YES ☐

NO ☒

B. If your answer to "A" is NO, have you made an effort to contact an attorney to represent you in this matter?

YES ☐

NO ☒

C. If your answer to "B" is YES, state the name(s) and address(es) of the attorneys you contacted and the results of those efforts:

N/A
N/A
N/A

D. If your answer to "B" is NO, explain why you have not made such efforts:

No money

E. Have you previously been represented by counsel in a civil action in this Court?

YES ☐

NO ☒

F. If your answer to "E" is YES, state the attorney's name and address:

N/A
N/A

- VI. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. State your claims in numbered paragraphs. You may use additional paper if necessary):

To /you Mr. Ms. Mrs. Clerk
Look At the Yellow
Legal Pad I get on
the Yellow Pad You Will
See What I get for the
Case OK You get What
You need to Work or Case
OK You Will See Thank
You For Your Time

You Know I get No Money Why
I Came You For Help I get money
From the Cases I Will Pay What the
Court Need Me to pay OK So
We good Yes or No I Need Your
Help! OK God is Good etc

VII. RELIEF

State briefly and exactly what you want the Court to do for you. Do not make legal arguments. (Note: If you are a state prisoner and you seek from this Court relief that affects the length or duration of your imprisonment, your case **must** be filed on a § 2254 form.)

WHY IS I doing time For What Case
IS No good No Case OK ~~for~~ in 1 yr in
Audran County Jail and I Not on PNP
Why is I doing DOC Time WHY! It is
Missouri way I Not From MISSOURI I From Ill OK

VIII. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES ☒ NO ☐

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

IX. Do you claim that the wrongs alleged in the complaint are continuing to occur at the present time?

YES ☒ NO ☐

Mr. William K. Cole
Signature of attorney or pro se Plaintiff(s)

2/7/2014
Date



1 and 2 / x.
To the Clerk Mr or Ms. or Mrs. Clerk
Of 1983 United States District Court
Eastern District of Missouri 111 S. Tenth
Street St Louis MO 63102

You get my ~~Copy~~ Copy of my Inmate Account
From 1/12/13 to 1/20/14 You know I get
NO! Money or 4.40 For my Cases in
Your office And I Can't get No Money
From my Family my Family Not get Money
Family get Bills to pay So Why is You
do me like it What! Not From Not is Not
OK Clerk Mr. or Ms. or Mrs Clerk See I
Came to You All For Help Not to get Fuck
By in Doc is Fuck me Not You to If I Came get
Money I would get it for you ~~Thank~~ OK Thank you



For Case Cole V. Massey et al, 2:14-cv00008-SPM
and Case Cole V. Docmccet al No 2:14-cv00007 ERW
I Get No Money so What up I Can't
get Y'All Help on my ~~2~~ 2 Cases i get
in your office and I get 2 cases on
Audran Count and Vandale Police and Audran
Prosecuto Attorney office and Audran
Assistant Public Defender ~~and~~ Missouri?
P. N. P.

COPY 1
From
my Pack

Case: 2014-cv-00027-NAB Doc. #: 1 Filed: 02/28/14 Page: 9 of 20 PageID #: 9
10/18/11 20:00 - 1573594-6876 #112
Mt Sterling Police Department 142 W. Main St.
Mt Sterling, IL 62353 Phone: 217-773-3961

Reporting officer: m Cremer M-4 Case Number: 10-17-11 Mc
al Incident: Phone harassment
Date time 10-17-11 At 11:50 location: 214 W Main Mt
Sterling Victim: Annmarie Norvell, Dob 12-4-78 Address 214
W Main St Mt Sterling Phone 217-440-1978 Suspect: William K Cole
Dob 6-11-62 address 1009 W bland (or 200 Gaslight Rb Apt 31)
Vandalia mo 63382, mo Doc #002523

Narrative

I Officer Cremer received a call from A Norvell who told me
that today between 8pm and 11pm on 10-17-11 W Cole called her
Phone 17 times making death threats to her A Norvell recorded
some of the calls he made to her telling her that Halloween
is coming and he is going to kill her and burn her in her house
also he told her what she was driving with license plate
number and her family's vehicles, also her social security
number A. Norvell said that she recently moved and he does
not know her new address, I asked A Norvell to play some
of the recordings for me and her statement to me was
accurate. A Norvell made the recordings on her daughter's cell
phone. A Norvell has made complaints with the Mt Sterling
P.D. over W Cole recently and would like to press charges
against. Informed A Norvell to keep the recordings saved
A Norvell also told me that recently in Missouri W Cole was
arrested for breaking into her house and strangling her and
part of his parole is to have no contact with A Norvell. "I
spoke with Vandalia P.D. and they informed me that have had
multiple contacts with W Cole and he is to be considered armed
and dangerous" also use extreme caution if we make

We make Contact if We make Contact with him Vandaila
P.D. Also said the W.Cole has no means! of transportation
but has been known to steal cars. I called Mr Charles
Stevenson who is W.Cole Parole Officer 1-573 592 4061
and left a voice mail for him to contact us over the
matter. Anorvell gave me a phone ~~number~~ ^{number} for m.
Cole 1-573-582-2828 Which I tried I tried to call
but it was not in service

Thank You

P.S. From me William K Cole in Court on 2/4/13
Court said Vandaila P.D. Police lie and A. Norvell
lie on Mr. William K. Cole and US Cellular Records
office lie on Cole the Court and the Prosecutors Attorney
and Cole Attorney lie to Mr. Cole and on Mr. Cole
and you will see at so look in see At OK

Thank

From the Amended Motion to Vacate,
Set Aside or Correct Judgment and Sentence
OK Look at
↓

Judgment

Movant having met the burden of the preponderance of the evidence supporting his claims as set out above, this Court does hereby order that Movant's Motion to Vacate, Set Aside, or Correct Sentence and Judgment is sustained and the Conviction in Audrain County Case Number 11AU-CR00714-01 is vacated and set aside.

Your Missouri Courts Missouri Case net
11AU-CR00714-02-STV William Kendrick Cole
2/14/2013 Answer filed Filed By: Jacob W Shellabarger
2/11/2013 Hearing Scheduled Scheduled For 3/4/2013; 9:00 AM
Wesley Clay Dalton; Audrain Hearing/Trial Cancelled
Scheduled For: 3/4/2013; 9:00 AM; Keith M Sutherland; Audrain
Order > Order revoking Assignment of Senior Judge Filed. Presiding
Judge Wesley C. Dalton will Retain Jurisdiction of said Matter.
Filed by Wesley C. Dalton. Judge Assigned
2/8/2013 Writ of Habeas Corpus order Filed By: ^{Wesley Clay Dalton} ~~Jacob W Shellabarger~~
2/6/2013 Writ Requested Filed by: Jacob W Shellabarger
2/5/2013 Hearing Scheduled Associated Entries: 2/11/2013 - Hearing
Trial Cancelled Scheduled For: 3/4/2013; 9:00 AM Keith M
Sutherland; Audrain
2/4/2013 Guilty Plea Withdrawn Filed By: William Kendrick Cole
Click here to receive phone/e-mail notices of future hearings on
this case

Claims - Ineffective Assistance of Counsel

FACTS IN SUPPORT

1. Plea Counsel was ineffective, because, he failed to make the proper investigations into the state's case, in that, had Counsel investigated the state's witness he would have discovered that, the state's alleged victim's police reports were rife with deceptive and manufactured statements that lead the reader to believe her relationship with the defendant was not significant, but that, he was someone she had briefly met and that after this brief association, the defendant then became obsessed with her and became offensive by harassing her. Had Counsel performed a reasonable level of investigation he would have discovered that morant and the alleged victim have been involved in a significant relationship for several years, including helping children with her together, having lived together, financial ties and other intimate relations. As a result of failing to investigate and marshal undiscovered evidence of the close relationship, Counsel was not able and failed to challenge the veracity of the alleged victim's credibility in the first instance, where, had Counsel done so there existed a probability that Counsel could have negotiated for lesser charges or even convince the state the charges were out of revenge and vindictiveness, because, defendant told Counsel the victim was his significant other and because he had threatened her with legal action, loss of financial support due to her continued drug use around her children she had

William X Cole Cause No- 1144-CR00114
 Post Conviction 24.035
 ATTACHED CRIMS

1. Already Successfully had false Charges of burglary brought against him and he Plead guilty to those Charges due to the same level of ineffective assistance by Counsel's Co Worker P.D Hernandez. Counsel's lack of interest in my Case, and, to investigate my Case, was apparent to Morant and Induced Fear, Misapprehension, as a result of Morant's fears, he plead guilty after being told by Counsel he would receive up to 15 years if he went to trial and lost. the Plea was Involuntarily made

- a. 2
 Plea Counsel was ineffective, because, Counsel failed to investigate the alleged Victims background, in that, Morant informed Counsel, that, the alleged Victim had a significant drug history, Criminal history and a negative history with DFS regarding child care issues, because, the alleged Victim's drug use was documented by certain state agencies, as was her ~~Criminal~~ Criminal and DFS history that were accessible to Counsel for the purpose of establishing a viable defense predicated upon the alleged Victims credibility which was very poor. As a result of this failure to provide due diligence, Morant was deprived a viable defense, where, the credibility of the states witness was ~~also~~ crucial to the states case and could have been shown to be unbelievable before a jury. As a result of Counsel's inaction, Morant plead guilty involuntarily.

3.

Plea Counsel was ineffective, because, he failed to investigate the veracity of the police reports in that, Counsel misled Morant to believe that the ~~note~~ Police reports would hurt his case in front of a jury. Because, the police report by the Mt. Sterling Police Department by Officer M. Cremer revealed that Morant was considered "armed and dangerous" and "extreme caution" should be used during police contact Counsel told Morant that, if this information went in front of a jury, he would most likely be found guilty because of the nature of the charges. As a result, Morant became fearful and was intimidated by Counsel, because, he knew he had never been arrested for any violent crimes, and when it became apparent that Counsel was not willing to prove and discount this claim by investigation, Morant's fear and misapprehension intensified and Plead guilty involuntarily.

4.

Plea Counsel was ineffective and worked against Morant, because, Morant's bond was unconstitutionally excessive and Counsel refused to enter and/or obtain a bond reduction hearing instead, Counsel used and took advantage of the fact that Counsel knew Morant's 74 year mother is in God Home to Day Day 2014 ok, Mother was very sick, even falling ill in Court. Yet instead of

Authenticity

4.

Fighting to get Morant's bond reduced, Counsel instead was continually making statements and arguments to Morant's resistance to making a Plea with the state as the reason it would take him longer to get home to his Mother. Plea Counsel used Morant's Mother's Condition to Coerce a Plea of guilty by allowing the excessive bail to stand, knowingly. As a result, this is the major reason Morant went ahead and Pleaded guilty. So he could begin the process of getting home to his disabled Mother, because Morant is the only child of his mother. Upon this action of Plea Counsel, the Plea of guilty was the result of Coersion and mental abuse and extortion by Counsel.

Movant's plea of guilty was not voluntarily made, because, Plea Counsel's tactics to induce the plea became apparent to movant that they were designed to help the state obtain a conviction, because, Counsel believed that movant believed his agreement that Movant could receive up to 15 years in prison for a Class D Felony if he did not accept the plea offer. This false representation only ~~stre~~ strengthen movant's resolve, that plea Counsel was in misconduct and unethical practice against movant to benefit the State Prosecutors Case.

The record is rife with confusing information and there is no clear way to determine where inconsistencies lie. <The record is confusing>

Claims

1. Didnt Investigate Ammie G
2. Didnt investigate Police Reports - Vandaila P.D, Ill. P.D
3. Didnt Lower Bond = MOM, \$\$
4. Did Not Get Deal = 15 Years ?? None. Class D = 4 max
5. Phone Records - Call
6. Learning Disability
7. Suppressed <Hid> Set-up <frame-up>

6.

From the very beginning, Morant made Plea Counsel aware that he was legally disabled by a profound learning disability due to being dyslexic, and that upon believing that, prior Plea Counsel, P.D. Hernandez, a brother lawyer to Counsel, had duped him previously. Morant repeatedly and every time he had opportunity directed Counsel to consult whatever manner of direction and decisions made to his mother and father. In fact, Counsel was instructed to call Morant's parents prior to every Court appearance and explain to the parents each stage of the proceedings and what Counsel's intentions were based upon, the State's position, so that the parents would be able to help Morant with the ability to rationally understand and have a factual understanding of what was being done to defend him. At no time did Plea Counsel show any interest. At no time did Plea Counsel show any interest in making clear his intentions or the State's intentions to Morant's parents, in that, Counsel flatly refused to allow the parents to take part or assist or ensure that Morant was cognizant of the complete nature of the law. Furthermore, Counsel never once even so much as took a statement from Morant or sent even an investigator to investigate any of the claims Morant was making against the victim in his own defense. Neither did Counsel interview Morant's parents who know the person and character of the alleged victim and the significant history of Morant and

6.

The Victim, In fact, Plea Counsel Can not Show that he performed not one investigation into the States Case, because, Plea Counsel Was Bias and Prejudice against Morant as a result of the previous Conviction that Surrounded the Victim's allegations of burglary & assault. It Would Seem suspicious, that, Counsel Would engage in conduct that falls far below what a Competent lawyer would do in the least. Counsel's actions upon Scrutiny of this plea, will Show that the only thing Counsel Was Willing to do Was to bring Morant before the Court and hand him over to the State, because, Counsel's actions or lack there of are Clearly indicative of Someone Who Believes Morant is guilty, this is Why Counsel had to Morant and told him he faced 15 Years in prison if he went to a Jury trial. Morant's Inmate lawyer proved this could not be possible and Showed Morant on the institutional law library Computer, that, a Class D Felony Carried a Maximum 4 years. And ironically Morant, unbeknownst to him, Pleaded guilty to a Class "D" Maximum term, and Counsel never said a word.

Besides keeping quiet to the fact the Movant actually did not receive a "deal" to plead guilty as a result of the guilty plea, movant is left with the unsavory stigma of being a "stalker" which the general public perceives to be related to a rapist and the likes,

Plea Counsel took full advantage of his Clients inability ~~to rationalize~~ ^{to rationalized} the fact he was pleading to a maximum term, unknowingly. Plea Counsel took full advantage of movants inability to comprehend the ramifications of pleading to the stigmatization of a stalker, but instead, abused Movants disability by not defending movant through proper investigations to get at the truth, keep movant separated from his parents not informing the parents or interviewing them, presenting manufactured evidence, and threatening the life of his client when he told him he could receive a lengthy sentence that was not even possible.

In conclusion to this post-conviction relief, it was never plea Counsels intention ~~post-conviction relief~~ ^{to get at the truth of the allegations} it was made against his client, because, he believed his client to be guilty as a result of bias and prejudice, and, used his Clients disability to confound, frustrate, and induce the obvious that Movant had no choice but to plead guilty or face a lengthy prison term, supposably.

Movants plea of guilty was involuntary as a result of plea Counsels strategy to induce the same.

authenticity

~~the~~

fighting to get morant's bond reduced, Counsel instead was continually making statements and arguments to morant's resistance to making a plea with the state as the reason it would take him longer to get home to his mother. Plea Counsel used morant's mother's condition to coerce a plea of guilty by allowing the excessive bail to stand, knowingly. As a result, this is the major reason morant went ahead and pleaded guilty, so he could begin the process of getting home to his disabled mother, because, morant is the only child of his mother. Upon this action of Plea Counsel, the plea of guilty was the result of coercion and mental & emotional extortion by Counsel.